

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

JASMINE BROWN individually and on behalf
of all others similarly situated,

Plaintiff,

-against-

WALMART INC.,

Defendant.

Civil Action No. 2:19-cv-00569-JS-AKT

**INITIAL CASE MANAGEMENT AND
SCHEDULING ORDER**

A. KATHLEEN TOMLINSON, Magistrate Judge:

I. DEADLINES AND COURT APPEARANCES

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|---|--------------------------------|
| Deadline for completion of initial disclosures required by Rule 26(a): | July 24, 2019 |
| First request for production of documents and first request for interrogatories due by: | October 18, 2019 |
| Responses to first request for production of documents and first set of interrogatories due by: | January 17, 2020 |
| Deadline for joinder of additional parties and amendment of pleadings: | February 14, 2020 |
| Status Conference: | April 17, 2020 at 11:00 am EST |

**II. CHECKLIST TO BE COMPLETED BY THE PARTIES AND RETURNED
WITH THE RULE 26(f) DISCOVERY PLAN:**

A. Initial Disclosures: Counsel confirm that the Initial Disclosures have been served:

| Plaintiff | Defendant |
|---|---|
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

B. Stipulation and Order of Confidentiality: Counsel confirm that they have consulted in good faith regarding the need for such an order:

| |
|---|
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|---|

Based on that consultation, counsel find that a Stipulation and Order of Confidentiality is:

| |
|--|
| <input checked="" type="checkbox"/> Needed <input type="checkbox"/> Not Needed |
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C. Electronically Stored Information (“ESI”): Counsel confirm that they have met and conferred regarding the existence of any relevant ESI on both sides:

Yes

No

The parties have had some preliminary discussions about the type of ESI which is in their clients' respective possession or control and how they wish to have such ESI produced:

Yes

No

Based on those discussions, counsel are advising the Court that the relevant ESI consists of:

1. Electronic mail
2. Custodial electronic documents (e.g., word processing documents containing relevant information and presentations)
3. Reports/Spreadsheets generated from structured databases
4. _____

Defendant has issued litigation hold notices. At this time, the parties are not aware of any issues concerning the accessibility of ESI and anticipate producing ESI in an electronic and searchable format.

D. HIPAA Release Authorizations: Counsel confirm that such authorizations for this case are:

Needed

Not Needed

III. OTHER DISCOVERY MATTERS:

- a) Changes to the presumptive maximum number of interrogatories and depositions allowed under the rules (normally 25 interrogatories, including sub-parts, and 10 depositions);
 - None.
- b) The number and types of expert witnesses each party anticipates;
 - Plaintiff anticipates a damages expert.
 - Defendant anticipates a damages expert, a product formulation or market expert, and/or a consumer understanding or confusion/deception expert.
- c) Whether there are any sources of discoverable material that warrant specific planning, such as medical (HIPAA releases) or employment records held by non-parties; and
 - The parties are unaware of any discoverable materials that warrant specific planning other than those considered to be confidential, competitively sensitive or

to contain proprietary information, the production of which would need to be subject to the above described confidentiality or protective order.

- d) Whether there are any subject matter limitations on discovery, or other procedural mechanisms that will help identify or narrow the issues in dispute without undue delay or expense.
- The parties do not believe there are any such limitations available at this point.

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|--------------------------------|---|
| Dated: Central Islip, New York | SO ORDERED: |
| | A. KATHLEEN TOMLINSON United States Magistrate Judge |